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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,802	11/12/2003	Perry Y. Li	12100.7USC1	7839

7590 08/19/2005  
Attention of Gregory A. Sebald  
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EXAMINER

STAFIRA, MICHAEL PATRICK

ART UNIT PAPER NUMBER

2877

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/712,802

Applicant(s)

LI ET AL.

Examiner

Michael P. Stafira

Art Unit

2877

*SN*

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-24 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 25-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

10/7/2802

Application/Control Number: 09/426,385

Page 2

Art Unit: 2877

### DETAILED ACTION

1. The specification needs to be amended to indicate that the current application is a continuation of application number 09/426,385, which was abandoned.

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Sato ('906).

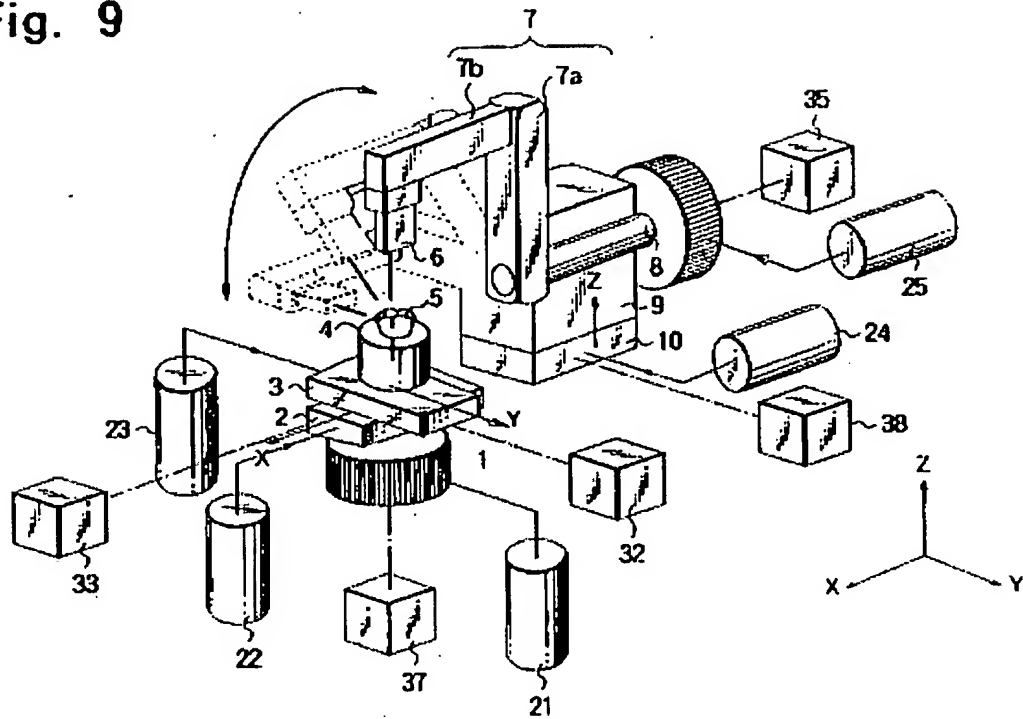
#### **Claim 1**

The reference of Sato ('906) discloses a scanner having a measuring device (Fig. 9, Ref. 6) for measuring the shape of a scanned article (Fig. 9, Ref. 5)(Col. 12-13, lines 65-5, 46-58); a support assembly adapted for retaining (Fig. 9, Ref. 4) an article (Fig. 9, Ref. 5) and moving through three degrees of freedom (Fig. 9, Ref. 21, 22, 23) relative to the scanner such that the scanner is capable of scanning the exterior of the retained article (Col. 12, lines 19-42).

10/712802

Art Unit: 2877

Fig. 9



Claim 2

Art Unit: 2877

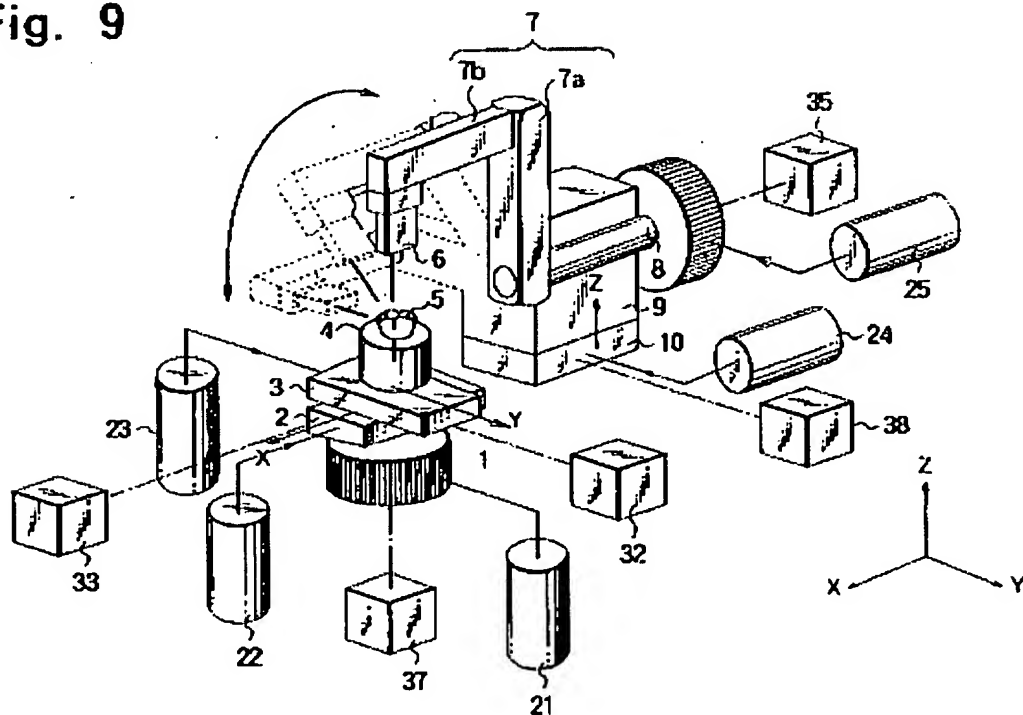
Sato ('906) further discloses the support assembly includes a two degree of freedom linkage rotatably mounted relative to the scanner (Fig. 9, Ref. 22, 23).

**Claim 3**

The reference of Sato ('906) further discloses the support assembly includes a two degree of freedom linkage, and an article holder rotatably mounted to the linkage (Fig. 9, Ref. 22, 23, 4).

**Claim 25**

Sato ('906) discloses providing a scanner device (Fig. 9, Ref. 6)(Col. 12-13, lines 65-5, 46-58); providing an article holder (Fig. 9, Ref. 4); providing linkage for moving the scanner (Fig. 9, Ref. 24, 25) device and article holder (Fig. 9, Ref. 21, 22, 23) relative to one another through three degrees of freedom, thereby moving the article through the scanner beam over the entire portion of the article to be scanned (Col. 12, lines 19-42).

**Fig. 9**

**Claim 26**

The reference of Sato ('906) further discloses the linkage moves the scanner device and the article relative to one another through a scanning pattern having curved paths of motion (See Fig. 9).

**Claim 27**

Sato ('906) further discloses the moving the article holder and scanner relative to one another through a fourth degree of freedom (See Fig. 9).

***Allowable Subject Matter***

4. Claims 7-24 are allowed over the prior art of record.
5. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 7, the prior art fails to disclose or make obvious a scanning apparatus having a scanner having a measuring device for measuring the shape of a scanned article; a linkage comprising: a first ground link; a second link rotatably mounted to the first link about a first axis; a third link rotatably mounted to the second link about a second axis; a fourth link rotatably mounted to the third link about a third axis; a fifth link rotatably mounted to the fourth link about a fourth axis and rotatably mounted to the first link about a fifth axis; an article holder mounted to one of the links adapted for supporting an article to be scanned exterior of a sphere defined by the linkage; wherein the scanner and article holder are movable relative to one another to scan the surface of the article, and in combination with the other recited limitations of claim 7. Claims 8-24 are allowed by the virtue of dependency on the allowed claim 7.

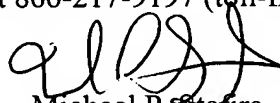
Art Unit: 2877

6. Claims 4-6, 28-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Stafira whose telephone number is 571-272-2430. The examiner can normally be reached on 4/10 Schedule Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Toatley can be reached on 571-272-2800 ext. 77. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael P. Stafira  
Primary Examiner  
Art Unit 2877

August 16, 2005